

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CLARENCE M. EASTERLING,

Plaintiff,

-vs-

Case No. 14-CV-1392

MICHAEL THURMER, et al.,

Defendants.

DECISION AND ORDER

Clarence M. Easterling, a Wisconsin state prisoner, filed an action under 42 U.S.C. § 1983. This case is currently before the Court on the plaintiff's motion requesting access to the presentence investigation report ("PSI") from *State v. Easterling*, Case No. 01-CF-287, for use in this case.

Although it is not entirely clear from the plaintiff's motion, it appears that defendants' counsel filed a motion in Wisconsin state court pursuant to Wis. Stat. § 972.15(4), asking for permission to access and use the PSI in the preparation, defense, and litigation of this case. (ECF No. 40-1.) That court granted defendants' motion and further authorized defendants to "forward the PSI under seal to the Honorable Rudolph Randa, United States District Court Judge, for *in camera*, review in the case of *Easterling v. Thurmer* . . . , and for further disclosure as determined by Judge Randa in the course of litigation of the case of *Easterling v. Thurmer*" (ECF No. 10-1 at 1-2.)

The plaintiff's motion asks that, as directed by the state court, the defendants be ordered to forward the PSI under seal to the Court, and that the Court then provide the plaintiff with the same access to and use of the PSI as enjoyed by the defendants.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT plaintiff's motion requesting access to the presentence investigation report (ECF No. 39) is **GRANTED**, in part.


IT IS ALSO ORDERED THAT within **fourteen days** of this order, the defendants shall file with the Court the PSI from *State of Wisconsin v. Easterling* (Case No. 01-CF-287) under seal and identify for the Court any portion of the PSI that they argue should not be disclosed to plaintiff and/or to the public. If the defendants do not object to any portion of the PSI being disclosed to the plaintiff and/or the public, they should so indicate.

IT IS FURTHER ORDERED THAT plaintiff shall have **twenty-one days** from the filing of the PSI to respond to defendants' objections regarding the disclosure of the PSI and/or to identify for the Court any portion of the PSI that he argues should not be disclosed to the public.

IT IS ALSO ORDERED THAT, if the defendants desire to reply to the plaintiff's response, they may have **seven days** to do so.

Dated at Milwaukee, Wisconsin, this 14th day of October, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge